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OFFICE OF PETITIONS

In re Application of
Mark A. Stansbury
Application No. 10/669,829
Filed: September 24, 2003
Attorney Docket No. NSAC-2

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DECISION ON
PETITION

This is in response to the paper titled "RESPONSE TO NOTICE OF ABANDONMENT", filed November 2, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is GRANTED.

The holding of abandonment is WITHDRAWN.

The above-identified application was held abandoned for failure to timely file an Appeal Brief. The Office mailed a final Office action on December 27, 2004, and Applicant filed a Notice of Appeal on March 31, 2005.¹ Accordingly, Applicant had until May 31, 2005 to file an Appeal Brief, or until October 31, 2005 with the purchase of the maximum five month extension of time. The Office mailed a Notice of Abandonment was mailed on September 20, 2005. Applicant filed an Appeal Brief and fee on October 31, 2005, made timely with the purchase of a five month extension of time.

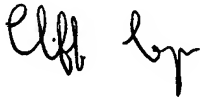
¹ The Notice of Appeal was made timely with a Certificate of Mailing dated March 28, 2005. March 27, 2005 fell on a Sunday. See 37 CFR 1.7(a).

It is obvious from the above that the Notice of Abandonment was mailed in error. Accordingly, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required.

The application file is being forwarded to Group Art Unit 3632 for consideration of the Appeal Brief filed October 31, 2005.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions